

REMARKS

Claims 1, 6, 13, 15, 22, 24 and 31-33 have been amended. Claims 9, 10, 19, 20, 28 and 29 have been canceled without prejudice or disclaimer. Therefore, claims 1-8, 11-18, 21-27 and 30-33 are pending, of which claims 13-18, 21-27, 30 and 32-33 are currently withdrawn from consideration. In view of the following comments, rejoinder of withdrawn claims and reconsideration and allowance of all the claims pending in the application is respectfully requested.

Applicant kindly requests reconsideration of the restriction requirement and respectfully traverses the arguments for maintenance of the restriction requirement as stated at page 5, second paragraph of the Office Action.

As stated in the Applicant's Amendment filed August 9, 2007, claims 13 and 22 have been amended to recite a transfer apparatus that corresponds to the transfer apparatus as recited in claim 1. In other words, claim 1 recites Bsp and claims 13 and 22 recite ABsp per MPEP §806.05(c)I. Similarly, claims 32 and 33 have been amended to recite a method of transferring that corresponds to the method of transferring as recited in claim 31. In other words, claim 31 recites Bsp and claims 32 and 33 recite ABsp per MPEP §806.05(c)I. Therefore, Applicant submits that claims 1 and 31 are generic and/or linking claims and therefore requests rejoinder and allowance of claims 1-8, 11-18, 21-27 and 30-33, claims 14-18, 21, 23-27 and 30 being dependent on and including all the limitations of a respective allowable claim.

The Office Action asserts that claim 1 is more broad than claims 13 and 22. However, that will invariably be the case when claim 1 recites a sub-combination and claims 13 and 22 recite a combination including not only the sub-combination but also all other aspects applicable to the combination. One of the criterion for restriction in MPEP §806.05(c) is whether a combination as claimed does not require the particulars of the sub-combination as claimed. In this case, Applicant submits that criterion is not met nor has any evidence been presented that the criterion is met. Accordingly, the restriction requirement should be withdrawn.

For example, claims 13 and 22 recite, in addition to other aspects, the transfer apparatus of claim 1. Therefore, if claim 1 is allowable, claim 13 and 22 recite all the limitations of allowable claim. Thus, Applicant submits that this situation would be no different than if claims 13 and 22 were dependent claims reciting the additional combination features in a dependent claim. Further, in contrast to the claim in the Office Action, Applicant submits that claims 13 and 22 are not directed to “transferring a patterning device and a substrate, respectively”. Claims 13 and 22 are apparatus claims similar to claim 1. In addition to reciting the apparatus of claim 1, claims 13 and 22 merely recite further apparatus applicable to their particular combination.

Applicant submits that similar considerations and arguments apply to claims 31-33. Consequently, MPEP §806.05(c)I is applicable and the withdrawn claims should be rejoined. Accordingly, immediate allowance of claims 1-8, 11-18, 21-27 and 30-33 are respectfully requested.

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim subject matter which Applicant regards as the invention. Applicant traverses. Applicant has amended claim 6. In particular, claim 6 recites, *inter alia*, “further comprising at least one sensor provided on said gripper and wherein a first reference point is provided on the additional sensor and a second reference point is provided on said receiver.” Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 112, second paragraph.

Claims 1, 4, 5, 11 and 31 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,856,863 to Sundar et al. (“Sundar”). Further, claims 2, 3 and 12 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable in view of Sundar further in view of U.S. Patent No. 6,591,160 to Hine et al. (“Hine”). Applicant respectfully traverses the rejections.

Regarding claims 1 and 31, Applicant has amended those claims to recite, *inter alia*, the subject matter of claims 8 and 9 in alternative form, subject matter that was indicated as allowable in the Office Action and which Applicant submits is patentable over the cited portions

of the Sundar and Hine. Accordingly, reconsideration and allowance of claims 1 and 31 are respectfully requested. Furthermore, as claims 4, 5 and 11 depend from claim 1, withdrawal of the rejection of claims 4, 5 and 11 under 35 U.S.C. §102(e) over Sundar is respectfully requested at least by the virtue of their dependence, and for the additional features recited therein.

Further, reconsideration and withdrawal of rejection of claims 2, 3, and 12, depending from claim 1, under 35 U.S.C. §103(a) over Sundar further in view of Hine are respectfully requested at least by the virtue of their dependence from claim 1, and for the additional features recited therein. Further, the cited portions of Hine fail to overcome the deficiencies of the cited portions of Sundar.

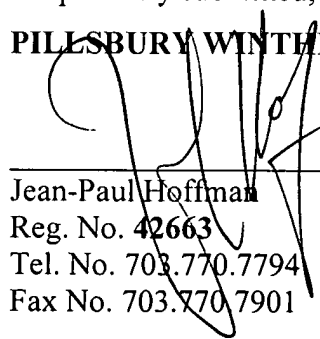
All matters having been addressed and in view of the foregoing, Applicant respectfully requests reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue in which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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